



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 25, 2006

RADER, FISHMAN & GRAUER PLLC  
39533 WOODWARD AVENUE  
SUITE 140  
BLOOMFIELD HILLS, MI 48304-0610  
US

Dear Sir/Madam,

Your refund request for 10649068 in the amount of \$100.00 has been denied .

Small entity status fee not refundable. The time has expired for the refund of this fee. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27 and a request for the refund of excess amount are filed within three months of timely payment of the full fee (37 CFR 1.28).

All money charged was needed to perfect this application and small entity was charged for these claims.

Sincerely,

ELEANOR KURTZ  
Technical Center Others  
703 308-9010 x177

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JAN 10 2006

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: 1/10/06Signature: Kathryn L. Nash

(Kathryn L. Nash)

US PATENT & TRADEMARK  
OFFICE

PATENT

Practitioner's Docket No. 65937-0037

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[x] In re application of: Joseph L. Mark et al. Confirmation No.: 4645  
Application No.: 10/649,068 Group No.: 3737  
Filed: August 27, 2003 Examiner: R. S. Smith  
For: INTRODUCTION SYSTEM FOR MINIMALLY INVASIVE SURGICAL INSTRUMENTS  
[ ] Patent\*: Issued:

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where request is with respect to a maintenance fee payment also insert application number and filing date and add Box M. Fee to address.

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

## I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 18-0013, shown on the statement dated 12/20/2005, for the above-identified

- [x] application.  
[ ] patent.

(check the following, if desired, and supply copy of statement)

- [x] A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED

- |     |   |                             |
|-----|---|-----------------------------|
| [x] | Filing fee (additional claims - small entity)   | <u>\$100.00</u>             |
| [ ] | Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. section 1.16(e)) | <u>                    </u> |

(Request for Refund (Improper Charge of Deposit Account)--page 1 of 2)

and/or

- ☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. section 1.16(e)) \_\_\_\_\_
- ☐ Extension of term (2)
- ☐ first month \_\_\_\_\_
- ☐ second month \_\_\_\_\_
- ☐ third month \_\_\_\_\_
- ☐ fourth month \_\_\_\_\_
- ☐ fifth month \_\_\_\_\_
- ☐ Excess claims \_\_\_\_\_
- ☒ Issue fee \_\_\_\_\_
- ☐ Petition fee \_\_\_\_\_
- ☐ Patent maintenance fee
- ☐ first maintenance fee \_\_\_\_\_
- ☐ second maintenance fee \_\_\_\_\_
- ☐ third maintenance fee \_\_\_\_\_
- ☐ Patent maintenance fee surcharge \_\_\_\_\_
- ☐ Other \_\_\_\_\_

TOTAL REFUND REQUESTED

\$100.00

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Deposit Account was charged large entity amounts for additional claims in a transmittal of a preliminary amendment. The additional claims fee was authorized to be charged to the deposit account at the time of filing of a preliminary amendment to the United States Patent and Trademark Office on November 16, 2005. The Applicant is a Small Entity. We are filing this Request within two months of filing the preliminary amendment to the application and are requesting a refund because the Applicant is a Small Entity.

### IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Account No. 18-0013.
- ☐ refunding payment.



SIGNATURE OF PRACTITIONER

Reg. No. 41,212

Tel. No. (248) 594-0600

Customer No. 010291

Kristin L. Murphy  
*(type or print name of practitioner)*  
 Rader, Fishman & Grauer PLLC  
 39533 Woodward Ave., Suite 140  
 Bloomfield Hills, MI 48304

(Request for Refund (Improper Charge of Deposit Account)—page 2 of 2)



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MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and  
return top portion with your check. Make check  
payable to Director of Patents & Trademarks.

RADER FISHMAN & GRAUER  
ACCOUNTING DEPT.  
39533 WOODWARD AVENUE  
SUITE 140  
BLOOMFIELD HILLS MI 48304

FINA

|             |          |
|-------------|----------|
| Account No. | 180013   |
| Date        | 11-30-05 |
| Page        | 16       |

PLEASE SEND REMITTANCES TO:  
U. S. Patent and Trademark Office  
P.O. Box 70541  
Chicago, IL 60673

| DATE POSTED   | CONTROL NO. | DESCRIPTION<br>(Serial, Patent, TM, Order) | DOCKET NO.       | FEE CODE      | CHARGES/<br>CREDITS | BALANCE         |
|---|-------------|--|------------------|---------------|---------------------|-----------------|
| 11 16 05  | 155         | 10658364                                   | AKY-0009         | 2801          | 395.00              | 120974.51       |
| 11 16 05  | 156         | 10658364                                   | AKY-0009         | 2201          | 100.00              | 120874.51       |
| 11 16 05  | 161         | 11272273                                   | 66535-0001       | 2011          | 150.00              | 120724.51       |
| 11 16 05  | 162         | 11272273                                   | 66535-0001       | 2111          | 250.00              | 120474.51       |
| 11 16 05  | 163         | 11272273                                   | 66535-0001       | 2311          | 100.00              | 120374.51       |
| 11 16 05  | 164         | 11272273                                   | 66535-0001       | 2202          | 125.00              | 120249.51       |
| 11 16 05  | 183         | 10433663                                   | SON-2522         | 1801          | 790.00              | 119459.51       |
| 11 16 05  | 184         | 10433663                                   | SON-2522         | 1201          | 400.00              | 119059.51       |
| 11 16 05  | 187         | 10467411                                   | SAE-014          | 1251          | 120.00              | 118939.51       |
| 11 16 05  | 233         | 10546745                                   | 60680-2067       | 8021          | 40.00               | 118899.51       |
| 11 16 05  | 304         | 10689047                                   | SON-2829         | 1251          | 120.00              | 118779.51       |
| 11 16 05  | 311         | 10861780                                   | CAR-0002/CON     | 2252          | 225.00              | 118554.51       |
| 11 16 05  | 312         | 10861780                                   | CAR-0002/CON     | 2814          | 65.00               | 118489.51       |
| 11 16 05  | 332         | 10556073                                   | HOK-0291         | 1631          | 300.00              | 118189.51       |
| 11 16 05  | 333         | 10556073                                   | HOK-0291         | 1633          | 200.00              | 117989.51       |
| 11 16 05  | 334         | 10556073                                   | HOK-0291         | 1642          | 400.00              | 117589.51       |
| 11 16 05  | 335         | 10556073                                   | HOK-0291         | 8021          | 40.00               | 117549.51       |
| 11 16 05  | 375         | 29242472                                   | 66349-0018       | 1012          | 200.00              | 117349.51       |
| 11 16 05  | 376         | 29242472                                   | 66349-0018       | 1112          | 100.00              | 117249.51       |
| 11 16 05  | 377         | 29242472                                   | 66349-0018       | 1312          | 130.00              | 117119.51       |
| 11 16 05  | 589         | 10555925                                   | OKA-0229         | 1631          | 300.00              | 116819.51       |
| 11 16 05  | 590         | 10555925                                   | OKA-0229         | 1642          | 400.00              | 116419.51       |
| 11 16 05  | 591         | 10555925                                   | OKA-0229         | 1633          | 200.00              | 116219.51       |
| 11 16 05  | 592         | 10555925                                   | OKA-0229         | 1615          | 650.00              | 115569.51       |
| 11 16 05  | 593         | 10555925                                   | OKA-0229         | 8021          | 40.00               | 115529.51       |
| 11 16 05  | 1079        | 78330311                                   | 65996-0367       | 7004          | 150.00              | 115379.51       |
| 11 16 05  | 1419        | 78607849                                   | 66121-0002       | 7001          | 325.00              | 115054.51       |
| 11 17 05  | 2           | 10129349                                   | AP9735           | 1201          | 168.00              | 114886.51       |
| 11 17 05  | 19          | 11248234                                   | ACK-0251         | 1051          | 130.00              | 114756.51       |
| 11 17 05  | 22          | 10649068                                   | 65937-0037       | 1202          | 200.00              | 114556.51       |
| 11 17 05  | 32          | 10860136                                   | ATA-0156         | 1251          | 120.00              | 114436.51       |
| 11 17 05  | 33          | 10860136                                   | AIA-0156         | 1201          | 200.00              | 114236.51       |
| 11 17 05  | 78          | 10250579                                   | SON-2532/SHIN-YU | 1252          | 450.00              | 113786.51       |
| 11 17 05  | 85          | 29216871                                   | NAK-0236         | 8001          | 12.00               | 113774.51       |
| 11 17 05  | 103         | 11248234                                   | ACK-0251         | 8021          | 40.00               | 113734.51       |
| 11 17 05  | 104         | 11190550                                   | 65684-0270       | 2051          | 65.00               | 113669.51       |
| AN AMOUNT SUFFICIENT TO<br>COVER ALL SERVICES REQUESTED |             |  | OPENING BALANCE  | TOTAL CHARGES | TOTAL CREDITS       | CLOSING BALANCE |

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**FAX TRANSMISSION**

DATE: January 10, 2006

PTO IDENTIFIER: Application Number 10/649,068-Conf. #4645  
Patent Number

Inventor: Joseph L. Mark et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: RADER, FISHMAN &amp; GRAUER PLLC

Kristin L. Murphy

PHONE: (248) 594-0647

Attorney Dkt #: 65937-0037

PAGES (Including Cover Sheet): 5

CONTENTS: Request for Refund (2 pages)  
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Telephone: (248) 594-0600 Facsimile: (248) 594-0610

PTO/SB/97 (09-04)

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Application No. (if known): 10/649,068

Attorney Docket No.: 85937-0037

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